

Broderick J

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SPRINT SPECTRUM L.P., SPRINTCOM,
INC., and SPRINT/UNITED MANAGEMENT
COMPANY,

Plaintiffs,

vs.

AT&T INC.,

Defendant.

Case No. 19 Civ. 1215 (VSB)

**TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT BE GRANTED**

APPLICATION DENIED

SO ORDERED *Vern Broderick*

VERNON S. BRODERICK

U.S.D.J. 2/11/2019

For the reasons stated on the record at the February 8, 2019 conference.

Upon review of the Complaint of Sprint Spectrum L.P., SprintCom, Inc., and Sprint/United Management Company (collectively, "Sprint"), the annexed declarations of Craig Whitney, Hal Poret, Jay Bluhm, and Bryan Fries, and the exhibits attached thereto, and Sprint's Memorandum of Law in Support of its Motion for a Temporary Restraining Order and Preliminary Injunction, and with good cause appearing therefor, it is:

ORDERED, that defendant AT&T Inc. ("AT&T") show cause before this Court, in courtroom _____ before the Honorable _____, United States District Judge for the Southern District of New York, in the Courthouse located at 500 Pearl Street, in the City, County and State of New York, on the ____ day of _____, 2019, at _____ why the Court should not make and enter an Order, pursuant to Rule 65 of the Federal Rules of Civil Procedure, preliminarily enjoining and restraining AT&T, its respective affiliates, subsidiaries, divisions, agents, servants, officers, directors, employees, and all those acting under their control and/or on their behalf and/or in concert with them, during the pendency of this action:

- (1) from using the designation “5GE,” “5G E,” or “5G Evolution,” or any designation containing “5G,” in any and all advertisements, in any form whatsoever, for its wireless network and mobile devices, including on the screens of mobile devices connected to its wireless network, unless and until the wireless network that AT&T advertises as “5GE,” “5G E,” or “5G Evolution,” or any designation containing “5G,” complies with 3GPP 5G standards; and
- (2) granting such other and further relief as the Court may deem just and proper; on the grounds that:
 - a) AT&T has violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); and
 - b) AT&T has engaged in deceptive acts and practices and false advertising under Sections 349 and 350 of the New York General Business Law.

ORDERED that, pending the hearing and determination of Sprint’s Motion for a Preliminary Injunction, AT&T and its agents, servants, employees, officers, and all other persons in active concert or participation with them, be and hereby are temporarily restrained and enjoined, on a worldwide basis, from, in any manner, either directly or indirectly, committing any of the acts set forth above which are sought to be enjoined by Sprint; and it is further

ORDERED that AT&T shall preserve, and take steps to prevent the automatic or intentional deletion or modification of, all databases, cloud storage accounts including Dropbox, electronic files, emails, and media and computer hard drives that may contain information related to this

action; and it is further

✓ ORDERED that security in the amount of \$ _____ be posted by
✓ Sprint prior to _____ 2019; and it is further

ORDERED that counsel for AT&T shall accept service of all papers, including this Temporary Restraining Order and Order To Show Cause Why A Motion For Preliminary Injunction Should Not Be Granted and the papers in support thereof, as well as the Summons and Complaint, and that such service be deemed sufficient service; and it is further

ORDERED that:

- (1) Answering papers, if any, be filed with this Court and served by
✓ _____ 2019;
- (2) Reply papers, if any, shall be filed with this Court and served by
✓ _____ 2019.

DATED: _____
New York, New York

SO ORDERED:

UNITED STATES DISTRICT JUDGE

